

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY LITIGATION

MDL No. 2419

Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:  
All Actions

**PLAINTIFFS' STEERING COMMITTEE'S RESPONSE TO  
AMERIDOSE'S MOTION FOR ORDER TO PROCEED WITH FDA-AUTHORIZED  
DESTRUCTION OF RECALLED INVENTORY**

The Plaintiffs' Steering Committee ("PSC") hereby responds to Ameridose's Motion for Order to Proceed with FDA-Authorized Destruction of Recalled Inventory, ECF No. 1090.

In response to Ameridose's motion, the PSC asked Ameridose to provide a list of all products that Ameridose wants to destroy. Counsel for Ameridose has not provided the PSC with a list. The PSC understands that Ameridose seeks to destroy only products that were manufactured, compounded, or otherwise made somewhere other than the Waverly Street, Framingham facility ("non-Framingham products").

The PSC canvassed the civil actions in the MDL and was unable to identify any action alleging that a non-MPA, non-Framingham product caused a plaintiff's injury.

The PSC also sent emails to its list of all plaintiffs' counsel representing both plaintiffs in the MDL and victims who have not yet filed civil actions in this MDL. The PSC twice informed plaintiffs' counsel about Ameridose's motion and asked that anyone with a case alleging injuries caused by a non-MPA, non-Framingham product inform the PSC. To date, no plaintiff attorney has informed the PSC that he has a claim premised on a non-MPA, non-Framingham product.

The PSC also confirmed that the United States Attorney's office was aware of Ameridose's motion. The U.S. Attorney informed the PSC that it did not object to Ameridose's motion.

In light of the foregoing, and based on the PSC's limited understand of the universe of products Ameridose seeks to destroy, the PSC takes no position on Ameridose's motion. But if Ameridose is seeking to destroy any products that were compounded, manufactured, or otherwise made in the Framingham facility, the PSC objects until such time as the PSC is given access to those products and an ability to preserve evidence.

Dated: May 12, 2014

Respectfully submitted,

**/s/ Kristen A. Johnson**

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*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: May 12, 2014

**/s/ Kristen A. Johnson**  
Kristen A. Johnson, BBO # 667261